

DEC 14 2009

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JOHN F. CORCORAN, CLERK  
BY:  
DEPUTY CLERK  
*J. Turk*

TRACY DARNELL CARTER, ) Civil Action No. 7:09-cv-00502  
Plaintiff, )  
 )  
v. )  
 )  
SCOTT E. GARDNER, et al., )  
Defendants. )  
 )  
By: Hon. James C. Turk  
Senior United States District Judge

In accordance with the written memorandum opinion entered this day, it is hereby

**ORDERED**

that the complaint is **DISMISSED** without prejudice as **frivolous**, pursuant to 28 U.S.C.  
§ 1915A(b)(1) and the case is **STRICKEN** from the active docket of the court.

The Clerk is directed to send copies of this order and the accompanying memorandum  
opinion to the plaintiff.

ENTER: This 11<sup>th</sup> day of December, 2009.

*James C. Turk*  
\_\_\_\_\_  
Senior United States District Judge